THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12799 of 2006

ORAL ORDER:

This writ petition is filed seeking Certiorari to call for the records of the first respondent in Rc.No.C1/3751/2006 dated 15.5.2006 passed under the directions of the second respondent vide letter No.4401/CMP/06 and quash the same as being violative of Articles 14, 31A, 39, 43 and 300A of the Constitution of India.

The case of the petitioner is that the petitioner is the only Cooperative Sugar Factory in the entire Guntur district established in the year 1974 and catering to the needs of sugar cane growers of the Guntur Revenue district. While so, three mandals namely, Repalle, Battiprolu and Cherukupalli were deleted from the sugar cane area of the petitioner society and added to the third respondent sugar factory, may be for a period of two crushing seasons, but without any notice and without conducting any enquiry as required under Section 15 of the Sugar Cane (Regulation, Supply and Purchase) Act (for short 'the Act').

There is no necessity of going into all the details.

The learned Senior Counsel Shri K.Ramakrisha Reddy appearing for proposed Respondent No.4 strenuously contended that the whole exercise made by the first respondent was within the knowledge of the petitioner. In this regard, the learned Senior Counsel drawn attention of this Court to the impugned proceedings passed by the first respondent and also the representation purported to have been made by the petitioner, which was considered by the first respondent by addressing a letter to the petitioner dated 5.6.2006. Therefore, it must be deemed that the enquiry was conducted as per

law and even otherwise, the affiliation of three mandals to the third respondent is only a temporary one, and not permanent.

Be that as it may, whether the addition of three mandals to the sugarcane area of third respondent either temporarily or permanently, the fact remains that no enquiry, particularly as contemplated under Section 15 of the Act was conducted before passing the impugned order and it was passed in gross violation of principles of natural justice. Under those circumstances, I am of the opinion that the impugned order is liable to be set aside.

In the result, the writ petition is allowed and the impugned order dated 15.5.2006 passed by the first respondent is set aside. The first respondent is directed to conduct a detailed enquiry into the matter as per the provisions of the Act and the Rules made thereunder after giving notice to all the parties concerned and giving them personal hearing, and thereafter pass appropriate orders within a period of three weeks positively from the date of receipt of a copy of this order. It is made clear that any observations made in this order shall not have a bearing while conducting the enquiry by the respondents. No order as to costs.

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C.V.RAMULU,
J

Date: 10.7.2006

Note:
Issue C.C. tomorrow.
B/o
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12799 of 2006

10.7.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12799 of 2006

Dated: 10th July, 2006

Between:

N.V.R.Cooperative Sugars Ltd.,
rep. by its Chairman Nannapaneni Linga Rao.
R/o Jampani, Guntur district.

.. Petitioner

and

Commissioner and Director of Sugar &
Cane Commissioner (Ex-Officio, Registrar of
Cooperative Sugar Factories under A.P.
Cooperative Societies Act, 1964),
Sakkar Bhavan, Bashirbagh, Hyderabad & others.

.. Respondents